

SENATE BILL 768

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E3

2004 Regular Session
4r2214
CF 4r1218

By: **Senator Giannetti**

Introduced and read first time: February 12, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Juvenile Services - Reorganization and Regionalization**

3 FOR the purpose of requiring that the Department of Juvenile Services designate a
4 certain number of regions in the State and appoint regional directors; providing
5 for the appointment, salary, duties, and tenure of regional directors; requiring
6 certain policies, plans for facilities, and mentoring and other programs for
7 certain children; requiring that certain programs be implemented by a certain
8 date; requiring the Secretary of Juvenile Services to report periodically about
9 the children, programs, and effectiveness of certain facilities in the Department;
10 requiring the Secretary to adopt certain regulations about training, standards,
11 and uniformity; authorizing the juvenile court to require certain child support
12 payments; requiring certain money generated by State Use Industries to be
13 dedicated to certain facilities; terminating the authority of the Department to
14 make certain contracts with or place certain children in facilities of private
15 service providers; requiring each region to have certain facilities that may be
16 used only for certain purposes; specifying that the facilities may be used only for
17 certain children; prohibiting by a certain date certain placements of children;
18 requiring certain new facilities of the Department to be established on certain
19 existing properties; requiring by a certain date that the facilities of the
20 Department contain fewer than a certain number of children; requiring certain
21 facilities to have education centers; requiring by a certain date that certain
22 children be placed only in certain facilities; requiring the Department to make
23 certain placements within a certain time; authorizing a certain court action;
24 defining a certain term; and generally relating to juvenile services.

25 BY adding to

26 Article 83C - Juvenile Services
27 Section 1-101(h), 2-101.5, and 2-102(f)
28 Annotated Code of Maryland
29 (2003 Replacement Volume)

30 BY repealing and reenacting, with amendments,

31 Article 83C - Juvenile Services
32 Section 2-104(b), 2-116, 2-117, 2-118, 2-120, and 2-127

1 Annotated Code of Maryland
2 (2003 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article - Courts and Judicial Proceedings
5 Section 3-8A-15(k) and 3-8A-22
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2003 Supplement)

8 BY adding to
9 Article - Correctional Services
10 Section 3-507(d)
11 Annotated Code of Maryland
12 (1999 Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 83C - Juvenile Services**

16 1-101.

17 (H) "STEP-DOWN AFTERCARE" MEANS:

18 (1) A NETWORK OF PROGRAMS PROVIDING EDUCATION AND
19 REHABILITATION; AND

20 (2) SERVICES AND TREATMENT TO EASE THE TRANSITION OF CHILDREN
21 FROM THE CUSTODY OF THE DEPARTMENT TO THEIR HOMES AND COMMUNITIES.

22 2-101.5.

23 (A) (1) BY JANUARY 1, 2006, THE DEPARTMENT SHALL DESIGNATE AT LEAST
24 FIVE OPERATIONAL REGIONS WITHIN THE STATE.

25 (2) A REGION SHALL INCLUDE:

26 (I) AT LEAST ONE DETENTION FACILITY USED SOLELY FOR
27 CHILDREN AWAITING DISPOSITION AND CHILDREN AWAITING PLACEMENT AFTER
28 DISPOSITION;

29 (II) A SUFFICIENT NUMBER OF COMMITTED FACILITIES THAT ARE
30 NECESSARY TO DIAGNOSE, CARE FOR, TRAIN, EDUCATE, AND REHABILITATE
31 PROPERLY EVERY CHILD IN THE CUSTODY OF THE DEPARTMENT FROM THAT
32 REGION; AND

33 (III) STEP-DOWN AFTERCARE.

1 (B) (1) THE SECRETARY SHALL APPOINT A REGIONAL DIRECTOR FOR EACH
2 REGION.

3 (2) A REGIONAL DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN
4 THE STATE BUDGET.

5 (3) A REGIONAL DIRECTOR SERVES AT THE PLEASURE OF THE
6 SECRETARY.

7 (C) (1) EACH REGIONAL DIRECTOR HAS THE DUTIES THAT THE SECRETARY
8 ASSIGNS AND SHALL REPORT TO THE SECRETARY.

9 (2) EACH YEAR, EACH REGIONAL DIRECTOR SHALL CONDUCT AN
10 OUTCOMES EVALUATION FOR EACH FACILITY IN THE REGION AND SHALL REPORT
11 THE FINDINGS TO THE SECRETARY.

12 (D) EACH REGIONAL DIRECTOR SHALL:

13 (1) DEVELOP A REGIONAL FACILITIES PLAN THAT ENSURES THAT THE
14 REGION HAS FACILITIES TO MEET THE NEEDS OF CHILDREN AT ALL APPROPRIATE
15 SERVICE LEVELS AND SECURITY LEVELS;

16 (2) DEVELOP A PROGRAM OF VOLUNTEER MENTORING FOR ALL
17 CHILDREN IN FACILITIES IN THAT REGION AND DOCUMENT THE EFFORTS TO
18 RECRUIT AND TRAIN VOLUNTEER MENTORS; AND

19 (3) IMPLEMENT, BY JANUARY 1, 2008, STEP-DOWN AFTERCARE.

20 2-102.

21 (F) EACH YEAR, THE SECRETARY SHALL SUBMIT A REPORT TO THE
22 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE
23 GENERAL ASSEMBLY THAT INCLUDES:

24 (1) INFORMATION ON THE CONDITIONS AT EACH FACILITY OF THE
25 DEPARTMENT;

26 (2) THE NUMBER OF CHILDREN AT EACH FACILITY OF THE
27 DEPARTMENT;

28 (3) AN OUTCOMES ASSESSMENT FOR EACH FACILITY INCLUDING
29 RECIDIVISM RATES; AND

30 (4) ANY OTHER APPROPRIATE INFORMATION.

31 2-104.

32 (b) (1) The Secretary may adopt rules and regulations to carry out the
33 provisions of law that are within the jurisdiction of the Secretary.

1 (2) The Secretary shall review and may revise the rules and regulations
2 of:

3 (i) Each unit in the Department that is authorized by law to adopt
4 rules and regulations; and

5 (ii) The Department.

6 (3) THE SECRETARY SHALL ADOPT REGULATIONS TO:

7 (I) PROVIDE FOR UNIFORM PRACTICES AND STANDARDS OF
8 TRAINING OF EMPLOYEES AT EACH FACILITY IN THE DEPARTMENT WHO PROVIDE
9 DIRECT CARE OF CHILDREN; AND

10 (II) ESTABLISH UNIFORM PRACTICES AND STANDARDS FOR THE
11 TREATMENT OF CHILDREN AT EACH FACILITY OF THE DEPARTMENT.

12 2-116.

13 (A) The Department may:

14 (1) Accept, manage, and dispose of federal funds and commodities; and

15 (2) Take advantage of any available federal program or grant-in-aid or
16 other public or private assistance that accomplishes or furthers the objectives of this
17 article.

18 (B) (1) A COURT MAY ORDER ANY CHILD SUPPORT MONEY TO BE PAID TO
19 THE DEPARTMENT IN ACCORDANCE WITH §§ 3-819(L) AND 3-8A-29 OF THE COURTS
20 ARTICLE.

21 (2) ANY SURPLUS MONEY GENERATED UNDER TITLE 3, SUBTITLE 5 OF
22 THE CORRECTIONAL SERVICES ARTICLE SHALL BE DEDICATED TO FACILITIES OF
23 THE DEPARTMENT.

24 2-117.

25 (a) (1) [The] BY JANUARY 1, 2008, THE Department [may] SHALL establish
26 and operate the facilities IN EACH REGION that are necessary to diagnose, care for,
27 train, educate, and rehabilitate properly ALL children who need these services IN
28 THAT REGION.

29 [(2) These facilities include:

30 (i) The Baltimore City Juvenile Justice Center;

31 (ii) The J. DeWeese Carter Center;

32 (iii) The Charles H. Hickey, Jr. School;

33 (iv) The Alfred D. Noyes Children's Center;

- 1 (v) The Cheltenham Youth Facility;
- 2 (vi) The Victor Cullen Center;
- 3 (vii) The Thomas J. S. Waxter Children's Center;
- 4 (viii) The Lower Eastern Shore Children's Center;
- 5 (ix) The Western Maryland Children's Center; and
- 6 (x) The youth centers.]

7 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEGINNING ON
8 JANUARY 1, 2006, THE DEPARTMENT MAY NOT INITIATE A NEW CONTRACT WITH A
9 PRIVATE SERVICE PROVIDER TO OPERATE A FACILITY.

10 (3) THE DEPARTMENT MAY CONTINUE TO CONTRACT WITH AN EXISTING
11 PRIVATE SERVICE PROVIDER IF:

12 (I) THE FACILITY HAS AN EDUCATION CENTER;

13 (II) THE FACILITY EXCEEDS THE STANDARDS OF THE DEPARTMENT
14 FOR OUTCOMES AND RECIDIVISM; AND

15 (III) THE FACILITY FITS WITHIN THE REGIONAL FACILITIES PLAN.

16 (4) SUBJECT TO § 3-8A-15(K) OF THE COURTS ARTICLE, A REGIONAL
17 DETENTION FACILITY MAY BE USED ONLY FOR CHILDREN WHO ARE DETAINED
18 WHILE AWAITING DISPOSITION OR WHO ARE AWAITING PLACEMENT AFTER
19 DISPOSITION.

20 (5) EACH FACILITY SHALL HAVE AN EDUCATION CENTER.

21 (6) ALL FACILITIES MUST BE GEOGRAPHICALLY SEPARATE, REMOTE,
22 AND DISTINCT FROM OTHER FACILITIES OF THE DEPARTMENT.

23 (B) THE DEPARTMENT SHALL ENSURE THAT, BY JANUARY 1, 2008, EACH
24 CHILD IN THE CUSTODY OR UNDER THE GUARDIANSHIP OF THE DEPARTMENT WHO
25 IS IN A RESIDENTIAL PROGRAM IS IN A STATE-FUNDED, REGIONAL FACILITY
26 OPERATED BY THE DEPARTMENT OR A FACILITY OPERATED UNDER SUBSECTION
27 (A)(3) OF THIS SECTION.

28 (C) WHEN FEASIBLE, A NEW FACILITY SHALL BE ESTABLISHED ON EXISTING
29 STATE PROPERTY OR IN AN EXISTING STATE BUILDING.

30 [(b)] (D) Before the Department asks the General Assembly for a bond issue to
31 build or renovate a facility, the Department shall consult on the proposed construction
32 or renovation plans with the governing body of the county where the facility is to be
33 built or renovated and with the governing body of each county to be served.

1 (E) BY JANUARY 1, 2008, THE DEPARTMENT SHALL ENSURE THAT EACH
2 COMMITTED FACILITY OF THE DEPARTMENT CONTAINS 40 OR FEWER CHILDREN.
3 2-118.

4 (a) [Each] SUBJECT TO § 2-117(A)(3) OF THIS SUBTITLE, EACH facility
5 provided for in § 2-117 of this article shall [operate under the control and general
6 management of] BE OPERATED BY the Department.

7 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,
8 the Department shall:

9 (1) Adopt regulations that set:

10 (i) Policies for REGIONALIZATION, detention authorization,
11 community detention, admission, transfer, discharge, and aftercare supervision; and

12 (ii) Standards of care, including provisions to administer any early,
13 periodic screening diagnosis and treatment program that the Department approves
14 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
15 treat appropriately any condition that the screening reveals; and

16 (2) Order any needed changes in the policy, conduct, or management of a
17 facility to provide adequate care for the children and adequate services to the courts.

18 (c) The Department shall adopt regulations applicable to residential facilities
19 it operates that:

20 (1) Prohibit the use of locked door seclusion and restraints as
21 punishment, and describe the circumstances under which locked door seclusion and
22 restraints may be used; and

23 (2) Prohibit abuse of a child.

24 (d) (1) The Department shall adopt a policy for addressing disciplinary
25 actions and grievances within its facilities.

26 (2) The policy shall:

27 (i) Require preparation of a written report of any disciplinary
28 action taken against a child or any grievance which shall be forwarded to the
29 administrative head of the facility;

30 (ii) Require the administrative head of each facility to review all
31 reports of disciplinary actions and grievances; and

32 (iii) Require the Department to forward in a timely manner all
33 reports of disciplinary actions, grievances, and grievance dispositions from each
34 facility to the Office of the Independent Juvenile Justice Monitor under Article 49D of
35 the Code.

1 (e) The Department shall develop within each facility special programs that
2 are designed to meet the particular needs of its population.

3 (f) The Department shall adopt regulations that require each facility to
4 provide:

5 (1) Educational programs that are designed to meet the particular needs
6 of its population;

7 (2) Medical and mental health assessment services;

8 (3) Alcohol abuse and drug abuse assessment services;

9 (4) Either alcohol abuse and drug abuse referral services or an alcohol
10 abuse and drug abuse treatment program that has been certified in accordance with
11 the requirements of Title 8 of the Health - General Article; and

12 (5) Programs that ensure a safe, humane, and caring environment.

13 (g) The Department shall cooperate with the Office of the Independent
14 Juvenile Justice Monitor established under Article 49D of the Code by:

15 (1) Providing the Office with access to all facilities, reports, and records
16 relating to individual youth upon request;

17 (2) Allowing the independent juvenile justice monitors to conduct
18 interviews with staff, youth, and any other individuals upon request; and

19 (3) Submitting corrective action plans and incident reports to the Office
20 in response to findings and recommendations made by the independent juvenile
21 justice monitors regarding a facility.

22 (h) (1) The Department shall respond to requests for information pertaining
23 to a facility from an independent juvenile justice monitor within 30 days of the date of
24 the request.

25 (2) If the Department does not respond to a request for information, the
26 monitor may conduct a reasonable investigation relating to the original request for
27 information.

28 2-120.

29 (a) The Department shall provide for care, diagnosis, training, education, and
30 rehabilitation of children by placing them in [group homes and institutions that are
31 operated by any nonprofit or for-profit entity] A FACILITY ESTABLISHED UNDER §
32 2-117 OF THIS SUBTITLE.

33 (b) [(1) The Department shall reimburse these entities for the cost of these
34 services at appropriate monthly rates that the Department determines, as provided in
35 the State budget.

1 3-8A-22.

2 (a) A child may not be detained at, or committed or transferred to, a
3 correctional facility, as defined in § 1-101 of the Correctional Services Article, except
4 in accordance with § 3-8A-16 of this subtitle.

5 (b) A child who is not delinquent may not be committed or transferred to a
6 facility used for the confinement of delinquent children.

7 (c) Unless an individualized treatment plan developed under § 10-706 of the
8 Health - General Article indicates otherwise:

9 (1) A child may not be committed or transferred to any public or private
10 facility or institution unless the child is placed in accommodations that are separate
11 from other persons 18 years of age or older who are confined to that facility or
12 institution; and

13 (2) The child may not be treated in any group with persons who are 18
14 years of age or older.

15 (D) A CHILD MAY NOT BE PLACED IN A FACILITY OF THE DEPARTMENT OF
16 JUVENILE SERVICES UNLESS THE CHILD IS COMMITTED TO THE CUSTODY OR
17 GUARDIANSHIP OF THE DEPARTMENT OF JUVENILE SERVICES.

18 **Article - Correctional Services**

19 3-507.

20 (D) ANY SURPLUS MONEY GENERATED UNDER THIS SUBTITLE SHALL BE
21 DEDICATED TO FACILITIES OF THE DEPARTMENT OF JUVENILE SERVICES.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2004.